

APPENDIX A

PREPARATION and FILING INSTRUCTIONS

Request For Determination of Applicability (RDA)

Notify the Lexington Conservation Office when you intend to file a Request For Determination of Applicability (hereafter **RDA**) under the Massachusetts Wetland Protection Act (hereafter **ACT**) or the Town of Lexington Code for Wetland Protection (hereafter **CODE**) for a pre-filing consultation and hearing date.

RDA FILED WHEN:

- o minor construction and/or landscaping is proposed within 100 feet of a wetland. The Conservation Administrator will assist you in determining the correct filing format. (Filed concurrently under the ACT and the CODE using the same form obtained from the Lexington Conservation Office.)
- o a formal approval of the wetland boundary is needed to provide information for the site planning and design of a project. (Filed concurrently under the ACT and the CODE using the same form obtained from the Lexington Conservation Office.)
- o to show compliance with the CODE Rule **Section 5. Performance Standards (2) Increase in Runoff**. (If the project is more than 100 feet from a wetland, this is filed under the CODE only. Form obtained from the Lexington Conservation Office.)

FILING AND PUBLIC HEARING PROCEDURES

- A. Forms to File:** See Appendix A-1 for checklist of the material to file and the number of copies to file.
- B. Additional Material:** After review by the Conservation staff, the Town Engineer and other Town boards, additional material may be requested prior to the public meeting. Additional information may also be requested by the Commissioners as a result of the presentation at the public hearing.

Omission of information at any stage may require that the public hearing be continued pending receipt of the information.

- C. Public Meeting:** A public meeting is held for each filing where the information is presented to the Commission and the public by the applicant and/or representative/s.

The plans for the presentation should be colored so pertinent features are clearly visible to the Commission and the public. Notice of this hearing is given as follows:

1. Notification to Abutters - The Applicant should mail notices to abutters within 100 feet of the property (See APPENDIX A-3)
2. Legal Notice - The Commission shall place the legal notice in a local newspaper at the expense of the applicant. Applicant shall sign and submit the Legal Notice Charge Authorization (See APPENDIX A-4) with the filing.

D. Schedule Planning:

1. Public Meeting - The Commission meetings are held every other Tuesday throughout the year. Check with the Conservation Office for the meeting sequence. The RDA must be filed 19 or 20 days before the meeting at which the project is scheduled to be presented.
2. Site Visit - The Commission generally visits the site for orientation the weekend before the public hearing. If the applicant or representative wishes to attend, call the Conservation Office for the time of the site visit.

E. Filing Fees: See Appendix A-2 for the fee schedule for the CODE. No fee is required under the ACT.

RESPONSIBILITY OF THE APPLICANT

A. Preparation of Material: See Appendix A-1 for checklist.

B. Site Work Prior to Filing and the Public Hearing

- a. Flagged stakes shall be installed at the project site for the Commission's site visit to mark the following locations:
 - 1) the wetland boundary with the flags numbered corresponding to the numbers shown on the plan; and
 - 2) if building construction such as a minor addition is permitted under this filing, the corners of the proposed addition; location of the drainage systems; and delineation of roadways nearest the protected resource areas, with the specific location noted on the flags.

THE DECISION

The Commission shall make a decision on the RDA based on the material filed, the site visit and information presented at the meeting. If more information is needed, the meeting may be continued in compliance with applicable Town and State laws. The decision is issued under one of the following categories:

- A. Positive Determination: an applicant is required to file a Notice of Intent to provide more detailed information.
- B. Negative Determination: the work will be permitted with or without conditions.

APPENDIX A-1

CHECKLIST **INFORMATION TO BE FILED**

I. Required Form and Supporting Information

- A. MA DEP WPA Form 1 - Request for Determination of Applicability
- B. 8-1/2 x 11" Lexington Topographic Map, scale 1"=200'
- C. Narrative - to provide detail to clarify the proposal (at the applicant's discretion)

II. Plan/s (Required Format and Information)

- A. Base Plan/s
 - 1. Lexington topographical map, if the project is residential and very minor;
or
 - 2. Surveyed topographical plan, stamped by an engineer or land surveyor registered in Massachusetts, if the wetland line is being determined for a major construction project or alteration in or near the wetland and a Notice of Intent is to be filed.
- B. Format and Information
 - 1. Scale - no smaller than 1" = 50'.
 - 2. Sheet Size - 8-1/2" X 11" to 24" X 36". Larger sheets may be used for complex large projects.
 - 3. Title Block - located in the right-hand corner or on the right side, shall incorporate name and address of the project; name of the property owner or applicant; name, address and imprint of the professional consultant responsible for the preparation of each sheet; date; and sheet title and number.
 - 4. Other (if applicable)
north arrow, graphic scale, a legend defining signs and symbols used on the plan and not otherwise explained; revision date chart; location of groundwater borings and the soil profile resulting from borings.

5. Plan Graphics (if applicable)
existing conditions screened or lighter with topographic contours shown as dashed lines; proposed conditions clearly differentiated from the existing conditions by use of heavier or bold lines with topographic contour changes shown in solid lines. The contour lines must correspond to known elevations on existing benchmarks (NGVD) and to the existing and proposed grades of streets.
6. Delineate the following: (if applicable)
 - a) Wetland boundary showing flags numbered to correspond with numbered flags installed at the site; b) 100 year flood boundary; c) the 25, 50 and 100 foot buffers; d) erosion control barrier or the limit-of-work line; e) recorded easements or restrictions on or crossing the property; and f) streets abutting the project, their grades and the utilities to which connections are proposed.
7. Details of following (if applicable):
 - a) systems/utilities pertaining to mitigating stormwater runoff to comply with *Section 5. Performance Standard (2) Increase in Runoff* in the Code Rules and other drainage systems; and b) erosion control barriers.

III. Drainage Calculations

If applicable, provide drainage calculations to substantiate the size of the drainage system proposed to mitigate stormwater runoff in compliance with the Code Rule in *Section 5. Performance Standard (2) Increase in Runoff*.

CHECKLIST
COPIES TO BE FILED

<u>ITEMS</u>	<u>NUMBER OF COPIES TO TOWN</u>
1. WPA Form 1 - Request for Determination and Supporting Information	10
2. Plan/s	10
3. Drainage Calculations (if required)	10
4. Legal Notice Charge Authorization	1
5. List of Abutters (copy)	1
6. Abutters Notification	1
7. Code Fee Transmittal Form	1
8. Check - To "Town of Lexington" (CODE only - No State Fee)	1 check

APPENDIX A-2

REQUEST FOR DETERMINATION FILING FEES and TRANSMITTAL FORM

Rules:

1. Fees are payable at the time of filing the application and are non-refundable.
2. Fees shall be calculated per schedule below.
3. Town, County, State, and Federal Projects are exempt from fees.

Fee Schedule:

\$

_____	Minor addition to or accessory use activity less than 500 square feet associated with an existing single family dwelling or multi-family residential dwelling-\$100, plus \$15 microfilm and scanning fee
_____	Major addition to or accessory use activity covering an area equal to or greater than 500 square feet - \$250, plus \$35 microfilm and scanning fee
_____	New single family or multiple family residential dwelling and/or associated stormwater management systems- \$500, plus \$75 microfilm and scanning fee
_____	Drain connection to existing storm drainage system - \$750, plus \$100 microfilm and scanning fee
_____	TOTAL

Fees Adopted 1/11/05

Note: Submit this form with the filing.

APPENDIX A-3

Notification to Abutters Under the Massachusetts Wetlands Protection Act and Lexington Wetland Protection Code

In accordance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, and Section 130-3 of the Code of the Town of Lexington, you are hereby notified of the following:

The Conservation Commission will hold a public meeting in the Parker Room formerly known as Room G-15, Town Office Building, 1625 Massachusetts Avenue, Lexington, on Day of Week, Month, Day, Year, at 7:00 pm in accordance with the provisions of the Mass. Wetlands Protection Act (M.G.L. Ch. 131, s. 40, as amended) and the Lexington Wetland Protection Code (Ch. 130; as Amended), for a Request for Determination of Applicability filed by applicant, for project description at project address or location, within the 100-foot Buffer Zone and/or any resource areas, on Assessor's Property Map(s) # , Lot(s) # . Plans are available for inspection in Room G-8, Town Office Building weekdays from 8:30 a.m. to 4:30 p.m. and any other location - may be the project engineer's office. If this meeting is not closed, it will be continued to a date requested by the applicant without further abutter notification.

For more information call the applicant at phone number or the Lexington Conservation Commission at 781 862-0500, x226.

NOTE: Notice of the Public Hearing will be published at least five (5) days in advance in the Lexington Minuteman (or The Globe, if necessary) and will be posted not less than 48 hours in advance of the public hearing in the Lexington Town Hall.

This format is available in Microsoft Word. For a copy on disk bring a disk to the Conservation Office.

For your information in completing your Notification, the meeting information for your hearing is:

Date:

Time:

APPENDIX A-4

LEGAL NOTICE CHARGE AUTHORIZATION

DATE: _____

TO: GateHouse Media New England/Community Newspaper Company
LEGAL NOTICE DEPARTMENT

I HEREBY AUTHORIZE GateHouse Media New England/Community Newspaper
Company to bill me directly for the legal notice published in the Lexington Minuteman
on _____ for a public meeting with the Lexington Conservation
Commission on _____ for property at:
_____.

SIGNATURE: _____

Please print where to send bill:

Name: _____

Street Address: _____

City/Town: _____

State: _____ Zip Code _____

Day-time Telephone Number _____